

1 [Resolution of Intention to Add Territory to and Amend City and County of San Francisco
2 Infrastructure and Revitalization Financing District No.1 (Treasure Island)]

3 **Resolution of intention to add territory to and amend the Infrastructure Financing Plan**
4 **for City and County of San Francisco Infrastructure and Revitalization Financing**
5 **District No. 1 (Treasure Island) and project areas therein; ordering and setting a time**
6 **and place for a public hearing of the Board of Supervisors, sitting as a Committee of**
7 **the Whole, on January 11, 2022, at 3:00 p.m., and to provide public notice thereof; and**
8 **determining other matters in connection therewith, as defined herein.**

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10 WHEREAS, Naval Station Treasure Island (“NSTI”) is a former United States Navy
11 base located in the City and County of San Francisco (the “City”) that consists of two islands
12 connected by a causeway: (1) Treasure Island, and (2) an approximately 90-acre portion of
13 Yerba Buena Island; and

14 WHEREAS, Under the Treasure Island Conversion Act of 1997, which amended
15 California Health and Safety Code, Section 33492.5 and added Section 2.1 to Chapter 1333
16 of the Statutes of 1968, the California Legislature: (i) designated the Treasure Island
17 Development Authority, a California non-profit public benefit corporation (“TIDA”) as a
18 redevelopment agency under California redevelopment law with authority over NSTI upon
19 approval of the City’s Board of Supervisors, and (ii) with respect to those portions of NSTI
20 which are subject to Tidelands Trust, vested in TIDA the authority to administer the public
21 trust for commerce, navigation and fisheries as to such property; and

22 WHEREAS, The Board of Supervisors approved the designation of TIDA as a
23 redevelopment agency for NSTI in 1997; and

24 WHEREAS, On January 24, 2012, the Board of Supervisors rescinded designation of
25 TIDA as the redevelopment agency for Treasure Island under California Community

1 Redevelopment Law in Resolution No. 11-12; and such rescission does not affect TIDA's
2 status as the Local Reuse Authority for NSTI or the Tidelands Trust trustee for the portions of
3 NSTI subject to the Tidelands Trust, or any of the other powers or authority; and

4 WHEREAS, The United States of America, acting by and through the Department of
5 the Navy ("Navy"), and TIDA entered into an Economic Conveyance Memorandum of
6 Agreement (as amended and supplemented from time to time, the "Conveyance Agreement")
7 that governs the terms and conditions for the transfer of NSTI from the Navy to TIDA; and
8 under the Conveyance Agreement, the Navy has and will convey NSTI to TIDA in phases
9 after the Navy has completed environmental remediation and issued a Finding of Suitability to
10 Transfer (as defined in the Conveyance Agreement) for specified parcels of NSTI or portions
11 thereof; and

12 WHEREAS, Treasure Island Community Development, LLC ("Developer") and TIDA
13 have previously entered into a Disposition and Development Agreement (Treasure
14 Island/Yerba Buena Island) dated June 28, 2011 (the "DDA"), including a Financing Plan
15 (Treasure Island/Yerba Buena Island) (the "Financing Plan"), which governs the disposition
16 and development of a portion of NSTI (the "Project Site") after the Navy's transfer of NSTI to
17 TIDA in accordance with the Conveyance Agreement; and

18 WHEREAS, The DDA contemplates a project (the "Project") under which TIDA
19 acquires the Project Site from the Navy and conveys portions of the Project Site to Developer
20 for the purposes of: (i) alleviating blight in the Project Site through development of certain
21 improvements, (ii) geotechnically stabilizing the Project Site, (iii) constructing public
22 infrastructure to support the Project and other proposed uses on NSTI, (iv) constructing and
23 improving certain public parks and open spaces, (v) remediating certain existing hazardous
24 substances, and (vi) selling and ground leasing lots to vertical developers who will construct
25 residential units and commercial and public facilities; and

1 WHEREAS, On April 21, 2011, the Planning Commission by Motion No. 18325 and the
2 Board of Directors of TIDA, by Resolution No. 11-14-04/21, as co-lead agencies, certified the
3 completion of the Final Environmental Impact Report for the Project, and unanimously
4 approved a series of entitlement and transaction documents relating to the Project, including
5 certain environmental findings under the California Environmental Quality Act (“CEQA”), a
6 mitigation and monitoring and reporting program (the “MMRP”), and the DDA and other
7 transaction documents; and

8 WHEREAS, On June 7, 2011, in Motion No. M11-0092, the Board of Supervisors
9 unanimously affirmed certification of the Final Environmental Impact Report; on that same
10 date, the Board of Supervisors, in Resolution No. 246-11, adopted CEQA findings and the
11 MMRP, and made certain environmental findings under CEQA (collectively, the “FEIR”); also
12 on that date, the Board of Supervisors, in Ordinance No. 95-11, approved the DDA and other
13 transaction documents, including the Transportation Plan and Infrastructure Plan; and

14 WHEREAS, TIDA and the Developer had been working diligently since then to
15 implement the Project consistent with the DDA, the MMRP and other documents; and

16 WHEREAS, No additional environmental review was required because there were no
17 substantial changes to the project analyzed in the FEIR, no change in circumstances under
18 which the project was being undertaken, and no new information of substantial importance
19 indicating that new significant impacts would occur, that the impacts identified in the FEIR as
20 significant impacts would be substantially more severe, or that mitigation or alternatives
21 previously found infeasible were now feasible; and

22 WHEREAS, Developer and the City previously entered into a Development Agreement
23 related to the Project Site to eliminate uncertainty in the City’s land use planning for the
24 Project Site and secure orderly development of the Project consistent with the DDA and other
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1 applicable requirements, and the Financing Plan was also an exhibit to the Development
2 Agreement; and

3 WHEREAS, The Financing Plan identified certain financial goals for the Project and the
4 contractual framework for cooperation between TIDA, the City, and Developer in achieving
5 those goals and implementing the Project; and

6 WHEREAS, The Financing Plan, among other things, obligates TIDA and the City to
7 take all actions reasonably necessary for, and obligates Developer to cooperate reasonably
8 with the efforts of, (i) the City to form requested community facilities districts (each, a “CFD”;
9 together, the “CFDs”) and take related actions under the Mello-Roos Community Facilities Act
10 of 1982 (the “Mello-Roos Act”) to pay for Qualified Project Costs, Ongoing Park Maintenance
11 and Additional Community Facilities (as those terms are defined in the Financing Plan), (ii) the
12 City to form requested infrastructure financing districts and take related actions under
13 applicable provisions of the Government Code of the State of California to pay for Qualified
14 Project Costs and (iii) the City to issue bonds and other debt for the CFDs and the
15 infrastructure financing districts and other public financing instruments described in the
16 Financing Plan (defined in the Financing Plan as “Public Financing”); and

17 WHEREAS, Under Chapter 2.6 of Part 1 of Division 2 of Title 5 of the California
18 Government Code, commencing with Section 53369 (the “IRFD Law”), this Board of
19 Supervisors is authorized to establish an infrastructure and revitalization financing district and
20 to act as the legislative body for an infrastructure and revitalization financing district; and

21 WHEREAS, Pursuant to IRFD Law, Section 53369.5, an infrastructure and
22 revitalization financing district may be divided into project areas; and

23 WHEREAS, Pursuant to the Financing Plan and the IRFD Law, the Board of
24 Supervisors adopted Ordinance No. 21-17 on January 31, 2017, which the Mayor signed on
25 February 9, 2017 (“IRFD Formation Ordinance”), pursuant to which the Board of Supervisors

1 declared City and County of San Francisco Infrastructure and Revitalization Financing District
2 No. 1 (Treasure Island) (“IRFD”) and the following project areas within the IRFD (collectively,
3 “Initial Project Areas,” and together with any future project areas that may be established in
4 the IRFD, the “Project Areas”) to be fully formed with full force and effect of law:

5 (i) Project Area A of the City and County of San Francisco Infrastructure and
6 Revitalization Financing District No. 1 (Treasure Island) (“Project Area A”);

7 (ii) Project Area B of the City and County of San Francisco Infrastructure and
8 Revitalization Financing District No. 1 (Treasure Island) (“Project Area B”);

9 (iii) Project Area C of the City and County of San Francisco Infrastructure
10 and Revitalization Financing District No. 1 (Treasure Island) (“Project Area C”);

11 (iv) Project Area D of the City and County of San Francisco Infrastructure and
12 Revitalization Financing District No. 1 (Treasure Island) (“Project Area D”); and

13 (v) Project Area E of the City and County of San Francisco Infrastructure and
14 Revitalization Financing District No. 1 (Treasure Island) (“Project Area E”); and

15 WHEREAS, Pursuant to the IRFD Formation Ordinance, the Board of Supervisors also
16 approved an Infrastructure Financing Plan for the IRFD (“IFP”); and

17 WHEREAS, The IRFD Law provides that the legislative body of an infrastructure and
18 revitalization financing district may, at any time, add territory to a district or amend the
19 infrastructure financing plan for the district by conducting the same procedures for the
20 formation of a district or approval of bonds as provided in the IRFD Law; and

21 WHEREAS, the Board of Supervisors has been notified by the California State Board
22 of Equalization that the boundaries of the IRFD and the Project Areas must conform to the
23 boundaries of assessor parcel numbers established by the San Francisco Assessor-Recorder
24 in order for the Board of Equalization to assign tax rate areas to the Project Areas; and

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1 WHEREAS, The Board of Supervisors wishes to amend the boundaries of the IRFD
2 and certain Initial Project Areas to reflect the final development parcels for certain portions of
3 Treasure Island and Yerba Buena Island and to approve an amended map and legal
4 descriptions for the IRFD; and

5 WHEREAS, Because the Board of Supervisors anticipates the need to make future
6 changes to the boundaries of the IRFD and the Project Areas in order to conform to final
7 development parcels approved by the Board of Supervisors so that the California State Board
8 of Equalization can assign tax rate areas to the Project Areas, the Board of Supervisors
9 wishes to amend the IFP to establish a procedure by which certain future amendments of the
10 boundaries of the IRFD and the Project Areas may be approved by the Board of Supervisors
11 as the legislative body of the IRFD without further hearings or approvals, as long as the
12 amendments will not adversely affect the owners of bonds issued by or for the IRFD; and

13 WHEREAS, The Board of Supervisors wishes to further amend the IFP to reduce the
14 tax increment allocated to the IRFD in order to conform to existing law; and

15 WHEREAS, The Board of Supervisors wishes to further amend the IFP to provide that
16 actions related to the IRFD, the Project Areas and the IFP shall not require the approval of the
17 qualified electors in the IRFD if the IRFD Law is amended to eliminate any such requirement;
18 now, therefore, be it

19 RESOLVED, That the Board of Supervisors is adopting this Resolution in its capacity
20 as the legislative body of the IRFD and as the “legislative body” as defined in the IRFD Law;
21 and, be it

22 FURTHER RESOLVED, That this Board of Supervisors proposes to conduct
23 proceedings to approve the amendments set forth in the four preceding WHEREAS clauses
24 (“Amendments”) pursuant to the IRFD Law; and, be it

1 FURTHER RESOLVED, That the proposed amended boundaries of the IRFD and each
2 of the Initial Project Areas are detailed in the proposed legal descriptions of the IRFD and the
3 Initial Project Areas on file with the Clerk of the Board of Supervisors, to which legal
4 descriptions reference is hereby made for further particulars, and such boundaries are hereby
5 preliminarily approved; and, be it

6 FURTHER RESOLVED, That on January 11, 2022 at 3:00 p.m. or as soon as possible
7 thereafter, in the Board of Supervisors Chamber, 1 Dr. Carlton B. Goodlett Place, City Hall,
8 San Francisco, California, be, and the same are hereby appointed and fixed as the time and
9 place when and where this Board of Supervisors, as legislative body for the IRFD, will conduct
10 a public hearing on the proposed Amendments described above; and, be it

11 FURTHER RESOLVED, That the Clerk of the Board of Supervisors is hereby directed
12 to mail a copy of this Resolution to each owner of land (as defined in the IRFD Law) within the
13 IRFD and to any affected taxing entities, and in addition, in accordance with IRFD Law,
14 Section 53369.17, the Clerk of the Board of Supervisors is hereby directed to cause notice of
15 the public hearing to be published not less than once a week for four successive weeks in a
16 newspaper of general circulation published in the City, and the notice shall describe the
17 proposed Amendments, and state the day, hour, and place when and where any persons
18 having any objections to the proposed Amendments, or the regularity of any of the prior
19 proceedings, may appear before this Board of Supervisors and object to the approval of the
20 Amendments by the Board of Supervisors; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors has reviewed and considered
22 the FEIR and finds that the FEIR is adequate for its use for the actions taken by this
23 Resolution and incorporates the FEIR and the CEQA findings contained in Board of
24 Supervisors Resolution No. 246-11 by this reference; and, be it

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1 FURTHER RESOLVED, That if any section, subsection, sentence, clause, phrase, or
2 word of this Resolution, or any application thereof to any person or circumstance, is held to be
3 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
4 shall not affect the validity of the remaining portions or applications of this Resolution, this
5 Board of Supervisors hereby declaring that it would have passed this Resolution and each
6 and every section, subsection, sentence, clause, phrase, and word not declared invalid or
7 unconstitutional without regard to whether any other portion of this Resolution or application
8 thereof would be subsequently declared invalid or unconstitutional; and, be it

9 FURTHER RESOLVED, That the Mayor, the Controller, the Director of the Office of
10 Public Finance, the Clerk of the Board of Supervisors and any and all other officers of the City
11 are hereby authorized, for and in the name of and on behalf of the City, to do any and all
12 things and take any and all actions, including execution and delivery of any and all
13 documents, assignments, certificates, requisitions, agreements, notices, consents,
14 instruments of conveyance, warrants and documents, which they, or any of them, may deem
15 necessary or advisable in order to effectuate the purposes of this Resolution, including
16 amendments of the Financing Plan; provided however that any such actions be solely
17 intended to further the purposes of this Resolution, and are subject in all respects to the terms
18 of the Resolution; and, be it

19 FURTHER RESOLVED, That all actions authorized and directed by this Resolution,
20 consistent with any documents presented herein, and heretofore taken are hereby ratified,
21 approved and confirmed by this Board of Supervisors; and, be it

22 FURTHER RESOLVED, That this Resolution shall take effect upon its adoption.
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1 APPROVED AS TO FORM:

2 DENNIS J. HERRERA
3 City Attorney

4 By: /s/ MARK D. BLAKE

5 MARK D. BLAKE
6 Deputy City Attorney

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